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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,840	07/23/2003	David M. Haugen	WEAT/0116.C1	8946
36735	7590	10/24/2005	EXAMINER	
PATTERSON & SHERIDAN, L.L.P. 3040 POST OAK BOULEVARD, SUITE 1500 HOUSTON, TX 77056			BATES, ZAKIYA W	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,840

Applicant(s)

HAUGEN, DAVID M.

Examiner

Zakiya W. Bates

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-38 is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 11 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10, 12, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,800,968 (cited by applicant).

US'968 discloses a system that includes an apparatus for use with a top drive 1, comprising: a pivotable mechanism 30 connected to a lower end of the top drive, wherein the pivotable mechanism has a bore therethrough and is pivotable towards and away from the top drive; and a gripping head 10 connected to a lower end of the pivotable mechanism and pivotable by the pivotable mechanism, wherein the gripping head grippingly engages a casing string. With respect to claim 2, the reference discloses an apparatus for picking up a casing string from a rack and moving the casing string toward a center of a well for use with a top drive 1, comprising: a tubular gripping member 10 attached to a structural intermediate 30, wherein the structural intermediate is pivotable from the top drive to move the casing string toward the center of the well. With respect to depending claims 3-5, the reference teaches the limitations as claimed including compensator 27. With respect to claim 6, the reference teaches a method for use in drilling with casing with a top drive 1, comprising: providing a tubular gripping member 10 pivotally connected to the top drive, wherein the tubular gripping member is

rotatable relative to the top drive; locating the top drive at a center of a well; pivoting the tubular gripping member away from the center of the well; engaging a casing with the tubular gripping member; and pivoting the tubular gripping member toward the center of the well. With respect to depending claims 7-10, 12, 14, and 15, the reference teaches the method as claimed.

Allowable Subject Matter

3. Claims 16-38 are allowed.

Response to Arguments

4. Applicant's arguments filed 7/18/05 have been fully considered but they are not persuasive. Applicant argues that the US 4,800,968 reference: does not teach, show, or suggest a pivotable mechanism having a bore therethrough, as recited in claim 1; the reference does not teach, show, or suggest a structural intermediate pivotable from the top drive and wherein the tubular gripping member is rotatable by the top drive, as recited in claim 2; and the reference does not teach, show, or suggest a tubular gripping member rotatable relative to the top drive and pivoting the tubular gripping member away from the center of the well, as recited in claim 6.

With respect to claim 1, the reference does show the entire pivotable mechanism 30 having a bore as highlighted in the attached figure 7a, the bore houses element 6, 37, as shown in figures 6-9 of the reference. With respect to claim 2, the reference does suggest that the structural intermediate pivotable from the top drive and wherein

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the tubular gripping member is rotatable by the top drive (see at least the abstract and figures). With respect to claim 6, the reference does show and teach a tubular gripping member rotatable relative to the top drive and pivoting the tubular gripping member away from the center of the well (see at least the abstract and figure 6).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya W. Bates (formerly Zakiya Walker) whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Zakiya W. Bates
Primary Examiner
Art Unit 3676

zb
October 18, 2005

(attachment)

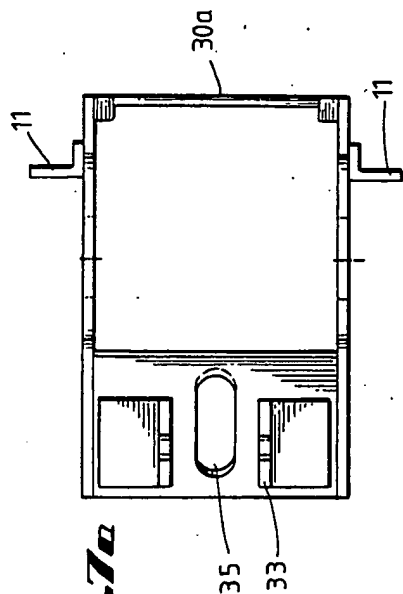


Fig. 7a

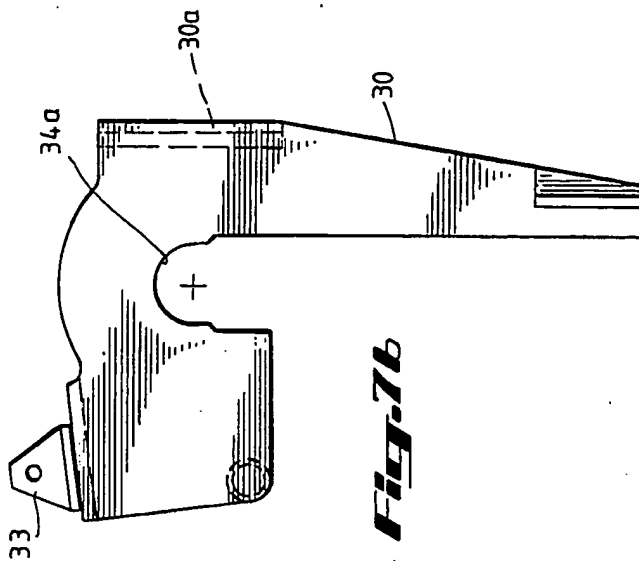


Fig. 7b

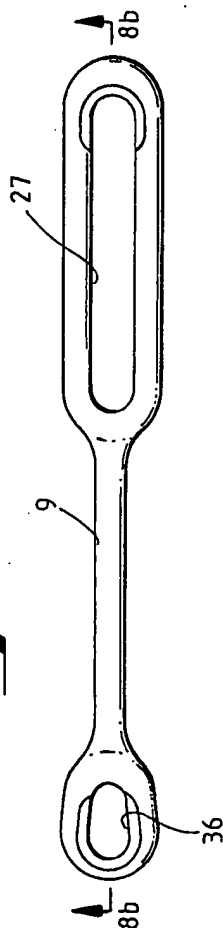


Fig. 8a

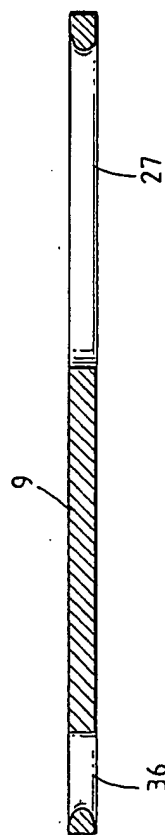


Fig. 8b